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10/562,586

12/27/2005

Timo Juhani Rajakallio

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EXAMINER

CHAMBERS, TANGELA T

ART UNIT

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4141

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,586	Applicant(s) RAJAKALLIO, TIMO JUHANI	
	Examiner TANGELA T. CHAMBERS	Art Unit 4141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>December 27, 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the preliminary amendment filed on 12/27/05.
2. Claims 1-11 have been amended.
3. Claims 12-18 have been added.
4. Claims 1-18 are pending.

Priority

5. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in Application No. 10562586 on December 27, 2005.

Information Disclosure Statement

6. The IDS filed on December 27, 2005 has been acknowledged by the examiner. Only the abstract of reference WO 9918745 A1 was considered as the remainder of the document is written in German.

Drawings

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 103. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

8. The disclosure is objected to because of the following informalities:

In the abstract, the text "Figure 2a--" at the end of the paragraph should be deleted.

Page 3, line 28 recites the word "whereafter" which appears to be a misspelling of the word "thereafter".

Page 6, line 3 recites the word "altenatively" which appears to be a misspelling of the word "alternatively".

Appropriate corrections are required.

Claim Objections - 35 USC § 112 Fourth Paragraph

9. Claim 5 includes every limitation previously presented in claims 1 and 2. When a claim in an application fails to further limit claims from which it depends, the dependant claim is considered improper. It is suggested that claim 5 be rewritten to be independent or cancelled. See MPEP § 608.01(n).
Make it claim objection.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6-11 and 15-18 are rejected under U.S.C. 101.

Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 6 is non-statutory because it does not produce a useful, concrete and tangible result, and is therefore not eligible for patent protection.

Claims 7-11 and 15-18 are dependant on claim 6, and are rejected under the same reason set forth in connection of the rejection of claim 6.

Claim Rejections - 35 USC § 112 Second Paragraph

11. Claim 3 recites the blocking or unblocking key may be received via a cable. However, since the device is stated as having a wireless connection in claim 1, there is insufficient antecedent basis for this limitation in the claim. It is suggested that claim 3 be rewritten with "or via a cable" deleted from the claim.

12. Claims 5 and 14 recite the limitation "for the duration". There is insufficient antecedent basis for this limitation in the claims. It is suggested that claims 5 and 14 be rewritten to recite "for a duration" or the limitation "for the duration" should be deleted altogether.

13. Claim 12 recites the blocking or unblocking key may be received via a cable. However, since the device is stated as having a wireless connection in claim 1, there is insufficient antecedent basis for this limitation in the claim. It is suggested that claim 12 be rewritten with "or via a cable" deleted from the claim.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-9, 15-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Campen (US Patent No. 7,110,753 B2).

As per claim 6, Campen discloses:

- ***A portable device containing segments for realizing the device functions,*** (Campen, Column 4, Lines 10-18).
- ***means for receiving via a wireless connection*** (Campen, Column 2, Lines 3-6) ***an executable blocking key for blocking a certain function*** (Campen, Column 4, Lines 10-18).
- ***programmable means for activating the received blocking key in the device in order to prevent the function of a certain segment thereof*** (Campen, Column 1, Lines 50-59 and Column 4, Lines 45-65).

As per claim 7, the rejection of claim 6 is incorporated and Campen further discloses:

- ***means for receiving an unblocking key for releasing the function blocked by the blocking key,*** (Campen, Column 2, Lines 3-6 and Campen, Column 4, Lines 10-18).
- ***means for activating the received unblocking key in the device in order to release the function that was prevented by the blocking key.*** (Campen, Column 1, Lines 50-59 and Column 4, Lines 45-65).

As per claim 8, the rejection of claim 7 is incorporated and Campen further discloses:

- ***means for receiving a blocking key and/or an unblocking key transmitted along a wireless, short-range connection.*** (Campen, Column 4, Lines 19-36).

As per claim 9, the rejection of claim 8 is incorporated and Campen further discloses:

- ***means for receiving blocking key and/or an unblocking key of a message-form transmitted through a message service center.*** (Campen, Column 4, Lines 19-36).

Claim 15 is rejected under the same reasons set forth in connection of the rejection of claim 8.

Claim 16 is rejected under the same reasons set forth in connection of the rejection of claim 9.

As per claim 18, the rejection of claim 6 is incorporated and further Campen discloses:

- ***program means for processing the blocking and unblocking keys*** (Campen, Column 4, Lines 10-18).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campen (US Patent No. 7,110,753 B2), in view of Cho et al (Cho) (US Patent No. 6,993,329 B2).

As per claim 1, Campen discloses:

- ***in the device there is received via a wireless connection an executable blocking key for blocking a certain function of the device***, (Campen, Column 3, Lines 38-65, "The control parameters may be transmitted to a desired wireless device, preferably through a wireless transmission 220. The intended wireless device may receive the wireless transmission and recover the control parameters 230.").
- ***the received blocking key is activated by programmable means in the device in order to prevent the certain function of the device***. (Campen, Column 4, Lines 45-65, "Control parameters sent by an administrator to wireless device 300 may

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be Java control instructions which may be incorporated within a Java applet such that applet executes steps in accordance with the Java control instructions.”).

Campen does not specifically disclose:

- ***A method for temporarily blocking a function in a portable device***, However, Cho in an analogous art discloses the above limitation. (Cho, Abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cho into the method of Campen to temporarily block a function in a portable device. The modification would be obvious because one of ordinary skill in the art would only want to block functions within the portable device when use of said device is restricted. (Cho, Column 1, Lines 13-27).

As per claim 2, the rejection of claim 1 is incorporated and Cho further discloses:

- ***in the device there is received an unblocking key that cancels the blocking key in order to release the function of the device that was blocked***, (Cho, Fig. 7, Column 15, Lines 15-28, “After that, the transmit path on/off switching block 304 switches the terminal into normal communication mode by receiving communication suppression release control signal from the central processing unit 306 and turning on the transmit path of the wireless communication terminal.”), Cho teaches sending an unblocking signal to the device in order to release the blocked function.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cho into the method of Campen to release the function of the device that was previously blocked. The modification would be obvious because one of ordinary skill in the art would want a way to automatically return the device to normal communication mode once restriction is no longer required. (Cho, Column 15, Lines 24-40).

Campen further discloses:

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- ***the received unblocking key is activated in the device*** (Campen, Column 3, Lines 51-65 and Column 4, Lines 45-54), Campen teaches the use of executable code (a key) containing operating parameters being received and activated within a device.

As per claim 3, the rejection of claim 2 is incorporated and Campen further discloses:

- ***the blocking or unblocking key is received in the device through a wireless, short-range connection in message form or via a cable.*** (Campen, Column 4, Lines 19-36, "In an embodiment of the invention, connection device 310 may be capable of receiving a wireless transmission that may include control parameters. The wireless transmission may be in the form of a text message such as a Short Message Service (SMS) message, an electronic mail, a wireless application protocol (WAP) download, or local wireless link for example Bluetooth, IEEE 802.11 or infrared.").

Claim 12 is rejected under the same reasons set forth in connection of the rejection of claim 3.

As per claim 14, the rejection of claim 1 is incorporated and further Campen discloses:

- ***the blocking key is used for temporarily blocking a certain undesirable function of the device for the duration, until there is received an unblocking key,*** (Cho, Abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cho into the method of Campen to temporarily block a function in a portable device. The modification would be obvious because one of ordinary skill in the art would only want to block functions within the portable device when use of said device is restricted. (Cho, Column 1, Lines 13-27).

- ***the blocked function is released to function in the way it functioned before the activation of the blocking key.*** (Cho, Fig. 7, Column 15, Lines 15-28).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cho into the method of Campen to release the function of the device that was previously blocked. The modification would be obvious because one of ordinary skill in the art would want a way to automatically return the device to normal communication mode once restriction is no longer required. (Cho, Column 15, Lines 24-40).

Campen further discloses:

- **activating said unblocking key** (Campen, Column 3, Lines 51-65 and Column 4, Lines 45-54).

Claims 4-5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campen (US Patent No. 7,110,753 B2), in view of Cho et al (Cho) (US Patent No. 6,993,329 B2) and in further view of Kim (US Patent Publication No. 2002/0107005 A1).

As per claim 4, the rejection of claim 3 is incorporated; however, neither Campen nor Cho specifically disclose:

- **in the device, there is displayed a confirmation request** However, Kim in an analogous art discloses the above limitation. (Kim, Page 2, Paragraph [0033] – Page 3, Paragraph [0035], “The controller 111 displays the received message along with the mode conversion and notifies the mode conversion under the control of the alarm processor 118 in step 214.”...“In step 216, the controller 111 checks whether a confirmation signal has been received.”), Kim teaches a message is displayed in the device until confirmation is received from the user.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kim into the method of Campen and Cho to display a confirmation request in the device. The modification would be obvious because one of ordinary skill in the art would to notify the user that they have

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entered an area and which requires their device to be restricted. (Kim, Page 2, Paragraph [0032] and Page 3, Paragraph [0035]).

Campen further discloses:

- ***the received blocking or unblocking key is activated in the device as a response to feeding in the confirmation*** (Campen, Fig. 2, Column 3, Lines 51-65 and Column 4, Lines 45-54, “Additionally, the wireless device may detect whether the transmission includes an authentication identifier. If the proper authentication identifier is not present within the transmission, the control parameters may not be integrated.”), Campen teaches that the key is activated in the device once the received transmission has been authenticated. By authenticating the transmission before accepting the parameters, the device is confirming that the request was received.

As per claim 5, the rejection of claim 4 is incorporated and further Cho discloses:

- ***the blocking key is used for temporarily blocking a certain undesirable function of the device for the duration, until there is received an unblocking key,*** (Cho, Abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cho into the method of Campen to temporarily block a function in a portable device. The modification would be obvious because one of ordinary skill in the art would only want to block functions within the portable device when use of said device is restricted. (Cho, Column 1, Lines 13-27).

- ***the blocked function is released to function in the way it functioned before the activation of the blocking key.*** (Cho, Fig. 7, Column 15, Lines 15-28, “After that, the transmit path on/off switching block 304 switches the terminal into normal communication mode by receiving communication suppression release control signal from the central processing unit 306 and turning on the transmit path of the wireless

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communication terminal.”), Cho teaches sending an unblocking signal to the device in order to release the blocked function.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cho into the method of Campen to release the function of the device that was previously blocked. The modification would be obvious because one of ordinary skill in the art would want a way to automatically return the device to normal communication mode once restriction is no longer required. (Cho, Column 15, Lines 24-40).

Campen further discloses:

- ***activating said unblocking key*** (Campen, Column 3, Lines 51-65 and Column 4, Lines 45-54).

Claim 13 is rejected under the same reasons set forth in connection of the rejection of claim 4.

Claims 10-11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campen (US Patent No. 7,110,753 B2), in view of Kim (US Patent Publication No. 2002/0107005 A1).

As per claim 10, the rejection of claim 9 is incorporated; however, Campen does not specifically disclose:

- ***means for displaying a confirmation request and for feeding in a confirmation before the received blocking or unblocking key is activated in the device.*** However, Kim in an analogous art discloses the above limitation. (Kim, Page 2, Paragraph [0028].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kim into the device of Campen to

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include a means for displaying information and entering in a confirmation. The modification would be obvious because one of ordinary skill in the art would want a way to view any messages received and enter in a response to a confirmation request. (Kim, Page 2, Paragraph [0028] and [0033]).

As per claim 11, the rejection of claim 10 is incorporated and Campen further discloses:

- ***program means for processing the blocking and unblocking keys.***

(Campen, Column 4, Lines 10-18).

Claim 17 is rejected under the same reasons set forth in connection of the rejection of claim 10.

Conclusion

16. The prior art not relied upon but considered pertinent to applicant's disclosure is made of record and listed on form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TANGELA T. CHAMBERS whose telephone number is 571-270-3168. The examiner can normally be reached Monday through Thursday, 8:30am-6pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chameli Das, can be reached at 571-270-1392. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tangela T. Chambers

Patent Examiner

Art Unit 4141

March 31, 2008

/CHAMELI C. DAS/

Supervisory Patent Examiner, Art Unit 4141